



**STATE OF TENNESSEE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD
DEPARTMENT OF COMMERCE & INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-253-2164**

RANDY PORTER
CHAIRMAN

ANTHONY HAYNES
EXECUTIVE DIRECTOR

October 28, 2004

Eddie Bass
Chairman
Giles County Emergency Communications District
200 Thomas Gatlin Road
Pulaski, Tennessee 38478


Re: Order to Provide Advisory Technical and Operational Assistance

Dear Sheriff Bass:

Enclosed is a copy of the Order Granting Request for Assistance issued by the Tennessee Emergency Communications Board ("ECB"). The Order will also be available on the ECB's website. The ECB's technical consultant, Curt Andrich, will be arranging to visit Giles County Emergency Communications District in the near future. If you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Yours sincerely,


Lynn Quesnell
General Counsel

Cc/ ECB Members
Director Mike Goode

BEFORE THE TENNESSEE EMERGENCY COMMUNICATIONS BOARD

Nashville, Tennessee

October 28, 2004

IN RE: REQUEST OF THE GILES COUNTY EMERGENCY COMMUNICATIONS DISTRICT FOR ADVISORY TECHNICAL AND OPERATIONAL ASSISTANCE

ORDER GRANTING REQUEST FOR ASSISTANCE

This matter came before the Tennessee Emergency Communications Board ("Board" or "ECB") during a meeting convened on September 10, 2004 to consider a request by the Giles County Emergency Communications Board ("District" or "ECD") for advisory technical and operational assistance.

Background

On March 12, 2004, the Board adopted Policy No. 21, styled "Notice of Financial Problems," which states:

Effective April 1, 2004, all emergency communications districts shall provide the Tennessee Emergency Communications Board with notice in the event that they are: (1) operating under an annual net loss and/or (2) in default on any debt. Such notice shall be provided in writing within ten (10) days of such event.

In mid-June 2004, the Giles County *Citizen Press* reported that the District faced an estimated budget deficit in 2005. The article projected that the ECD would finish the fiscal year ending June 30, 2004 with a deficit of \$27,411.88 more than was appropriated. A subsequent article reported that the District Board of Directors refused to approve a negative 2005 budget.

On June 22, 2004, the ECB Executive Director sent a letter to the Chairman of the District requesting that he provide the Board with an assessment of whether the district could satisfy its financial obligations to the extent that the continued operation of the district would not be at risk. This letter, which was written in response to the above mentioned articles, informed the Chairman of the Board's willingness to provide assistance. The letter also requested that the assessment be provided no later than June 30, 2004, to assist in determining whether to place the issue on the agenda of the Board's next meeting, which was scheduled for July 16, 2004.

During the July 16, 2004 Board meeting, the Executive Director informed the Board of the newspaper articles reporting that the ECD was experiencing serious financial difficulties. He also reported that his June 22, 2004 letter to the District Chairman

inquiring about the ECD's financial condition and offering assistance had received no response. After considering this information, the Board unanimously voted to direct the Chairman and/or Director of the Giles County ECD to attend the next Board meeting. The next meeting was scheduled for September 10, 2004.

In mid July, the ECD Board of Directors hired a new director. On July 23, 2004, as directed by the Board, General Counsel sent a letter requesting the District Chairman and new Director to attend the September 10 Board meeting. The new Director resigned on July 29, 2004, amidst local news reports of prior mismanagement and financial difficulties necessitating an audit. In an August 5, letter, the District Chairman announced that he would submit his resignation during a meeting of the District Board of Directors on August 13. The Chairman stated his intention to remain a member of the Board of Directors.

After communications with members of the District Board of Directors, representatives of the Board attended a meeting of the ECD Board of Directors on August 13, 2004. During the meeting, the ECB Executive Director suggested that the Board of Directors request the ECB for assistance. He asserted that, if requested, the ECB might send its new technical consultant to review the technical and operational situation at the District and make recommendations. The Executive Director proposed a partnership in which the ECB and the District would work together to implement any recommendations by the consultant. The District Board of Directors unanimously voted to present such a request to the ECB. At the same meeting, the Board of Directors selected a new Chairman.

An August 8 article in the local newspaper reported that the ECD Board of Directors had hired a new Director, who would be starting on August 16. The article also reported that the District Board of Directors had voted to ask the local district attorney to investigate alleged improprieties in the District.

The September 10, 2004 Board Meeting

During the September 10, 2004 Meeting, Board considered the request of Giles County ECD for technical and operating assistance. The Executive Director recommended that the Board authorize staff to direct the Board's technical consultant to go to Giles County, investigate and make recommendations in the areas of operational and technical management of the ECD and further, for staff to develop an agreement to implement the recommendations on an appropriate timeline. The Executive Director proposed that the agreement reflect a partnership between the Board and the ECD.

The newly selected Giles County ECD Chairman and the new Director were in attendance. The Chairman stated his desire to work together to make the Giles County ECD one of the strongest organizations in the state. He also expressed his appreciation to the Board.

After deliberating on this matter, the Board unanimously authorized staff to (1) direct the technical consultant to review the ECD's operations and make recommendations and (2) develop an agreement with regard to those recommendations.

Freddie Rich (with permission, ad)
Freddie Rich, Board Member

David Purkey (with permission, ad)
David Purkey, Board Member

Johnny Vickers, Board Member⁴

⁴ Mr. Vickers was not present during the deliberations.

Findings

The Board was created "for the purpose of assisting Boards of Directors in the area of management, operations, and accountability, and establishing emergency communications for all citizens of the state."¹ Further, the Board's enabling legislation specifically authorizes it to "provide advisory technical assistance to any emergency communications district upon request."² The District has requested technical and operational assistance, and the record shows that such assistance may be necessary and helpful in order to assure that adequate emergency communications are provided in Giles County. For these reasons, advisory technical and operational assistance shall be provided. The Consent Order reflecting the parties' agreement with regard to the process for implementing the recommendations of the technical consultant is attached hereto as Exhibit A.

IT IS HEREBY ORDERED THAT:

The request of the Giles County Emergency Communications District for technical and operational assistance is granted.

This 28th day of October, 2004.

Randy Porter (with permission, *tel*)
Randy Porter, Chairman

Wanda Moody (with permission, *tel*)
Wanda Moody, Vice Chairman

Tom Beehan (with permission, *tel*)
Tom Beehan, Board Member

Charles Bilbrey (with permission, *tel*)
Charles Bilbrey, Board Member

* * * *

Katrina Cobb, Board Member³

Ike Lowry (with permission, *tel*)
Ike Lowry, Board Member

¹ Tenn. Code Ann. § 7-86-302(a).

² Tenn. Code Ann. § 7-86-306(a)(7).

³ Ms. Cobb was not present during the deliberations.

BEFORE THE TENNESSEE EMERGENCY COMMUNICATIONS BOARD

Nashville, Tennessee

**IN RE: REQUEST OF THE GILES COUNTY EMERGENCY
COMMUNICATIONS DISTRICT FOR
ADVISORY TECHNICAL AND OPERATIONAL ASSISTANCE**

CONSENT ORDER

WHEREAS, the Tennessee Emergency Communications Board ("ECB") was created "for the purpose of assisting emergency communications boards of directors in the area of management, operations and accountability, and establishing emergency communications for all citizens of the state;"¹ and

WHEREAS, the ECB is authorized to "provide advisory technical assistance to any emergency communications district upon request;"² and

WHEREAS, Giles County Emergency Communications District ("District") has requested the assistance of the ECB with regard to technical and operational matters; and

WHEREAS, the ECB unanimously voted to provide the District with such assistance during the ECB Meeting on September 10, 2004;

THEREFORE, for the purpose of entering into this Consent Order and of obtaining such advisory technical and operational assistance, the District and the ECB agree to the following:

The ECB hereby agrees to direct its technical consultant to:

- Review the technological and operational conditions in the District; and
- 2. Provide the District and the Board with a Report and Recommendation containing specific recommendations for technical and operational improvement.

In consideration of the above, the Giles County Emergency Communications District hereby agrees to:

Review the technical consultant's Report and Recommendation;

¹ Tenn. Code Ann. § 7-86-302(a).

² Tenn. Code Ann. § 7-86-306(a)(7).

Exhibit A

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2. Consult with the ECB Executive Director no later than fourteen (14) days after the District receives such Report and Recommendation. During this consultation, representatives of the District and the ECB Director shall:
 - (a) Establish timelines for implementing the recommendations contained therein in consultation with the ECB Executive Director; and
 - (b) Discuss the District's objection(s), if any, to specific items contained in the Report and Recommendation;
3. Begin implementing the agreed to recommendations within the agreed to timelines. If it becomes apparent that the implementation of specific items in the Report and Recommendation is not feasible within a timeline, the District agrees to notify the ECB Executive Director of such in writing before the timeline expires and to establish new timelines in consultation with the Executive Director;
4. If discussions regarding the District's objections to the specific item(s) in the Report and Recommendation do not result in mutual agreement:
 - a. The District agrees to provide to the ECB Executive Director written notice of and the reasoning for its objections to the specific item(s) in the Report and Recommendation no later than fourteen (14) days after the above mentioned consultation;
 - b. The ECB Director shall place on the agenda of the next ECB meeting the matter of the District's objections to the item(s) in the Report and Recommendation;
 - c. The District shall present argument supporting its objections to the item(s) in the Report and recommendation at the next ECB meeting;
 - d. After hearing such argument, the members of the ECB shall vote on whether to require the District to implement the item(s) to which the District objects; and
 - e. The District agrees to comply with the decision of the ECB.

It is expressly understood that this Consent Order is subject to the Board's acceptance and has no force or effect until an Order based upon and incorporating the Consent Order is rendered by the Board.

The Giles County Emergency Communication District expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise

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challenge or contest the validity of this Consent Order or the Board's Order incorporating the same.

This 8 day of Oct., 2004.

FOR GILES COUNTY EMERGENCY COMMUNICATIONS DISTRICT:


Eddie Bass, Chairman

APPROVED:

Lynn Questell
BPR No. 020358
General Counsel, Tennessee Emergency Communications Board
500 James Robertson Parkway
Nashville, Tennessee 37243-0569
(615) 253-2164

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